

(2) The NDI techniques set forth in Section 2 of Volume II, dated July 1993, of the SID provide acceptable methods for accomplishing the inspections required by this paragraph.

(3) Visual inspections of all PSE's on airplanes listed in Volume III-94, dated July 1994, of the SID planning data, are required by the fleet leader-operator sampling (FLOS) program at least once during the interval between the start date (SDATE) and the end date (EDATE) established for each PSE. These visual inspections are defined in Section 3 of Volume II, dated July 1993, of the SID, and are required only for those airplanes that have not been inspected previously in accordance with Section 2 of Volume II, dated July 1993, of the SID.

(4) For those FLOS PSE's which do not have a Normal Maintenance Visual

Inspection specified in Section 3 of Volume II, dated July 1993, of the SID, the procedure for general visual inspection is as follows: Perform an inspection of the general PSE area for cleanliness, presence of foreign objects, security of parts, cracks, corrosion, and damage.

(5) All inspection results (negative or positive) must be reported to McDonnell Douglas, in accordance with the instructions contained in Section 2 of Volume III-94, dated July 1994, of the SID. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

Note 3: Volume II, dated July 1993, of the SID is comprised of the following:

Volume designation	Revision level shown on volume
Volume II-10/20	4
Volume II-20/30	5
Volume II-40	4
Volume II-50	4

Note 4: NDI inspections accomplished in accordance with the following Volume II of the SID provide acceptable methods for accomplishing the inspections required by this paragraph:

Volume designation	Revision level	Date of revision
Volume II-10/20	4	July 1993.
Volume II-10/20	3	April 1991.
Volume II-10/20	2	April 1990.
Volume II-10/20	1	June 1989.
Volume II-20	Original	November 1987.
Volume II-20/30	5	July 1993.
Volume II-20/30	4	April 1991.
Volume II-20/30	3	April 1990.
Volume II-20/30	2	June 1989.
Volume II-20/30	1	November 1987.
Volume II-40	4	July 1993.
Volume II-40	3	April 1991.
Volume II-40	2	April 1990.
Volume II-40	1	June 1989.
Volume II-40	Original	November 1987.
Volume II-50	4	July 1993.
Volume II-50	3	April 1991.
Volume II-50	2	April 1990.
Volume II-50	1	June 1989.
Volume II-50	Original	November 1987.

(c) Any cracked structure detected during the inspections required by either paragraph (a) or (b) of this AD must be repaired before further flight, in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note 5: Requests for approval of any PSE repair that would affect the FAA-approved maintenance inspection program that is required by this AD should include a damage tolerance assessment for that PSE.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO. Alternative methods of compliance previously granted for amendment 39-8807, AD 94-03-01, continue to be considered as acceptable alternative methods of compliance with this amendment.

Note 6: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be

obtained from the Manager, Los Angeles ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on May 10, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

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DEPARTMENT OF JUSTICE

Parole Commission

28 CFR Part 2

Parole Date Advancements for Substance Abuse Treatment Program Completion

AGENCY: United States Parole Commission, Justice.

ACTION: Proposed rule.

SUMMARY: The U.S. Parole Commission is proposing to amend its regulations on superior program achievement to permit a prisoner to be considered for a special advancement of the prisoner's presumptive release date, by up to twelve months, if the prisoner is a non-violent offender who has completed a program of treatment for a recognized problem of substance abuse and dependence. Although the existing regulation already sets forth a schedule of permissible advancements for superior program achievement, the

Commission proposes to add the above-described provision in order to equalize the incentive available to parole-eligible prisoners with the new incentive for completion of substance abuse treatment programs that will be available for federal prisoners serving no-parole sentences, under 18 U.S.C. 3621(e)(2).

DATES: Comments must be received by June 26, 1995.

ADDRESSES: Send comments to Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815.

FOR FURTHER INFORMATION CONTACT: Pamela A. Posch, Office of General Counsel, Telephone (301) 492-5959.

SUPPLEMENTARY INFORMATION: In the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322 (September 13, 1994), Congress amended 18 U.S.C. 3621 to authorize the Bureau of Prisons to reduce the period a prisoner convicted of a non-violent offense remains in custody after he or she has successfully completed a residential substance abuse treatment program. This new authority is intended by Congress to serve as an incentive for prisoners' successful completion of residential substance abuse treatment programs. This authority is applicable, however, only to offenses committed after November 1, 1987. (See Section 235(a)(1) of Public Law 98-473.)

Prisoners convicted of offenses that were committed prior to November 1, 1987, and who were sentenced to parole-eligible terms, must look to the U.S. Parole Commission for early release from prison as an incentive to completion of treatment programs. Under 28 C.F.R. 2.60, such prisoners are entitled to be considered by the Parole Commission for early release, pursuant to a schedule of permissible advancements of a presumptive release date for "Superior Program Achievement." 28 C.F.R. 2.60(e). However, the opportunity for early release is not equal to that authorized by 18 U.S.C. 3621(e)(2)(B), because an advancement of up to twelve months is permissible under § 2.60 only if the presumptive release date established by the Parole Commission (pursuant to the parole guidelines at 28 C.F.R. 2.20) requires eighty-five months or more of imprisonment. In contrast, the Bureau of Prisons is authorized under Section 3621(e)(2)(B) to grant a reduction of not more than one year for any prisoner who successfully completes a substance abuse treatment program.

Accordingly, the Parole Commission has decided to amend 28 C.F.R. 2.60 so as to authorize a twelve-month

advancement for any parole-eligible prisoner who meets all the criteria for a reduction of custody under 18 U.S.C. 3621(e). The prisoner would have to be a non-violent offender who is found to have a recognized substance abuse problem (not merely a past history of drug or alcohol abuse). Admittance to a residential substance abuse program would be the decision of the Bureau of Prisons. The Parole Commission would consider the prisoner for a full twelve-month advancement of the prisoner's previously established presumptive release date only upon notification by the Bureau of Prisons of successful program completion. However, the Commission would retain authority to withhold any reduction that would result in a miscarriage of justice, such as the early release of a major drug kingpin or an offender with a high risk of recidivism.

Implementation

Upon adoption as a final rule, the proposed amendments to 28 C.F.R. 2.60 would be applied at any statutory interim hearing under 28 C.F.R. 2.14 that was held on or after the effective date of the amended regulation. The Commission does not propose to reopen cases for prisoners who have a release date with no further hearing scheduled. For prisoners who would be considered for the special advancement, completion of a residential substance abuse treatment program may have occurred prior to the effective date of the amended regulation.

Executive Order 12866 and Regulatory Flexibility Statement

The U.S. Parole Commission has determined that this proposed rule is not a significant rule within the meaning of Executive Order 12866, and the proposed rule has, accordingly, not been reviewed by the Office of Management and Budget. The proposed rule, if adopted, will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Probation and parole, Prisoners.

The Proposed Amendment

Accordingly, the U.S. Parole Commission proposes the following amendment to 28 CFR Part 2.

PART 2—[AMENDED]

1. The authority citation for 28 CFR Part 2 continues to read as follows:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. Section 2.60 is proposed to be amended by adding new paragraphs (g) and (h), to read as follows:

§ 2.60 Superior program achievement.

* * * * *

(g) Upon notification from the Bureau of Prisons that a parolable prisoner who has no history of violent criminal conduct, and who has a recognized problem of substance abuse and dependence, has successfully completed residential substance abuse treatment in conformity with the criteria set forth for non-parolable prisoners in 18 U.S.C. 3621(e), the Commission will consider such prisoner for a special advancement, by up to twelve months, of the presumptive release date previously set. Such advancement shall be without regard to the Schedule of Permissible Reductions set forth in paragraph (e) of this section. It is the Commission's intent to award not less than twelve months in addition to any other advancement granted under this section, unless:

(1) The prisoner has already received an advancement or extra good time credits for participation in a substance abuse treatment program; or

(2) There is insufficient time remaining to permit the full advancement; or

(3) There are unusual circumstances that compel a finding that an early parole would be inconsistent with 18 U.S.C. 4206 (e.g., a major narcotics trafficker whose substance abuse was clearly not a dominant factor in his criminal behavior).

(h) Any advancement under this section for superior program achievement (including a special advancement for completion of residential substance abuse treatment) is subject to forfeiture, in whole or in part, whenever a presumptive parole date is rescinded pursuant to § 2.34. In the case of a special advancement under paragraph (g) of this section, the entire advancement shall be forfeited if the Commission finds that the prisoner has engaged in usage, possession, or distribution of any illegal drugs subsequent to program completion.

Dated: May 9, 1995.

Edward F. Reilly, Jr.

Chairman, U.S. Parole Commission.

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